

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Unit: 3738

Attorney

Docket No.: ZIM0061-03

Applicant: John E. Meyers et al.

Invention: CONSTRAINED
PROSTHETIC KNEE WITH
ROTATING BEARING

Serial No: 10/805,056

Filed: March 19, 2004

Examiner: Alvin J. Stewart

TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Michael D. Schwartz, Registration No. 44,326, am an Attorney of Record representing the Applicants in U.S. Patent Application Serial No. 10/805,056, filed March 19, 2004. Zimmer Technology, Inc. is the assignee and owner of 100 percent (100%) of the entire right, title and interest in U.S. Patent Application Serial No. 10/805,056 by virtue of an assignment recorded in its parent application number 09/771,061 (now U.S. Patent Number 6,485,519) on March 24, 2003, at Reel 013862, Frame 0766. I have reviewed the above-mentioned application and, to the best of my knowledge and belief, the title to U.S. Patent Application Serial No. 10/805,056 is in Zimmer Technology, Inc.

On behalf of Zimmer Technology, Inc., I hereby disclaim the terminal part of any patent granted on U.S. Patent Application Serial No. 10/805,056, entitled "Constrained

Prosthetic Knee with Rotating Bearing " filed March 19, 2004, which would extend beyond the expiration date of the full statutory term of U.S. Patent Number 6,485,519 granted November 26, 2002, entitled "Constrained prosthetic knee with rotating bearing" and U.S. Patent Number 6,719,800 granted April 13, 2004, entitled "Constrained prosthetic knee with rotating bearing" which are assigned to Zimmer Technology, Inc., and I hereby agree that any patent so granted on U.S. Patent Application Serial No. 10/805,056, filed March 19, 2004, shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to U.S. Patent Number 6,485,519 granted November 26, 2002 and U.S. Patent Number 6,719,800 granted April 13, 2004, this agreement to run with any patent granted on U.S. Patent Application Serial No. 10/805,056 and to be binding upon the grantee of such patent, its successor or assigns.

Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application Serial No. 10/805,056, filed March 19, 2004, prior to the expiration dates of the full statutory term of U.S. Patent Number 6,485,519 granted November 26, 2002 and U.S. Patent Number 6,719,800 granted April 13, 2004, in the event that either of these patents expire for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the U.S. Patent Application Serial No. 10/805,056 or any patent issuing thereon.

The undersigned hereby authorizes the sum of \$130.00, which represents the requisite fee for filing this Terminal Disclaim under 37 C.F.R. 1.20(d), be charged to Deposit Account 02-0385, Baker & Daniels.

Date: _____

_____/michael d. schwartz/
Michael D. Schwartz
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MDS/mls

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